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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,229	11/14/2001	Yoshinari Ohnishi	35.C15948	6760
5514	7590	10/07/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHEN, WENPENG	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,229

Applicant(s)

OHNISHI, YOSHINARI

Examiner

Wenpeng Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "8".

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities.

-- The phrase "step 10-3" in section [0051] shall be changed to "step 11-3". Appropriate correction is required.

-- Some abbreviations such as FD and HD do not appear in Microsoft "Computer Dictionary." The Examiner recommends spelling out each abbreviation at its first appearance to make the meaning clear.

3. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Japanese patent application laid-open No. 10-1051651 is implicitly incorporated in section [0052].

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claim 8 requires "n-valued processing." The only appearance of a related term is "two(n)-valued processing". Are they the same? If yes, what is "two(n)-valued processing"? If no, "n-valued processing" is not disclosed in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile (US patent 5,539,865) in view of Ota (Japan patent JP 08278876 A.)

Gentile teaches an image processing method for performing correction processing according to an attribute of an image, comprising the steps of:

-- analyzing a format of compressed data contained in a drawing instruction; (Figs. 3 and 10; column 10, lines 27-43; column 12, lines 51 to column 13, line 14; The compressed data includes compression algorithm identifiers. The decompression is based on the algorithm used to compress a region of an image. Therefore, in the compression process, the compressed data is analyzed to obtain the algorithm used in compression.)

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-- developing the compressed data to a bit map using a method corresponding to an analysis result in said analyzing step; (Figs. 3 and 10; column 10, lines 27-43; column 12, lines 51 to column 13, line 14)

-- wherein the attribute of the image includes a text, graphics and an image; (column 9, line 54 to column 10, line 13; column 10, lines 27-43)

-- wherein when compressed data is contained as a result of analyzing the drawing instruction to perform image attribute discrimination, a format of the compressed data is analyzed to perform image attribute discrimination; (column 5, lines 12-25; column 9, line 54 to column 10, line 13; column 10, lines 27-43; column 10, lines 44-57; The compression algorithm is associated with data type.)

-- wherein when the drawing instruction contains a text command, the attribute of the image is identified as text; (column 5, lines 53-67; column 9, line 54 to column 10, line 13; The page description data contains text command.)

-- wherein when the drawing instruction contains a drawing function for drawing a figure, the attribute of the image is identified as the graphics; (column 5, lines 53-67; column 6, lines 53-65; column 9, line 54 to column 10, line 13; The page description data contains instruction such as PostScript.)

-- wherein the format of the compressed data is JPEG, the attribute of the image is identified as image; (column 5, lines 12-25; column 9, line 54 to column 10, line 13; column 10, lines 27-43; column 10, lines 44-57; The JPEG compression algorithm is associated with data of image type.)

-- the drawing instructions are described in a page-description language; (column 5, lines 53-67; column 6, lines 53-65; column 9, line 54 to column 10, line 13; The page description data contains instruction such as PostScript.)

-- an output controller; (element 216 of Fig. 10)

However, Gentile does not teach the recited step of "performing correction processing."

Ota teaches an image processing method for performing correction processing according to an attribute of an image, comprising:

-- performing correction processing on the bit map according to the attribute of the image identified on the basis of an analysis result; (the combination of elements 104-108; sections 0017-0018, 0023, and 0030; Simple binarization 106 is selected for generating character/line-drawing data. Error-diffusion binarization 107 is used for continuous grayscale data that is image data. Simple binarization is used to correct sharpness of a line. An Error diffusion process is correction processing to reduce spike noise.)

-- wherein the correction processing includes color correction, color conversion and n-valued processing; (Sections 0030 and 0033 teaches color conversion. Simple binarization and error-diffusion binarization are color correction. The error-diffusion process is well known in the art to use n values near a target pixel to generate a replaced value for the target pixel and therefore is an n-valued processing.)

-- wherein the correction processing is to correct skin tones. (The skin color of 301 is also corrected as shown in Fig. 4.)

It is desirable to produce high quality printing output of an image contains a text, graphics and an image. It would have been obvious to one of ordinary skill in the art, at the time

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of the invention, to add Ota's components in Gentile's output controller to further process the decompressed image regions based on the attribute that specifies a text, graphics or an image, because the combination produces high quality printing.

Gentile further teaches an apparatus (Figs. 1 and 10) and storage medium (column 4, lines 55-68) having a program for implementing the image processing method . Therefore, the combination also teaches the corresponding storage media of Claim 13 and apparatus of Claim 14.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile in view of Ota as applied to Claim 1, and further in view of Anderson et al. (US patent 6,493,028.)

The combination of Gentile and Ota teaches the parent Claim 1. Gentile further teaches that the data of the compressed text, graphics, and image are independently stored. (column 6, lines 53-65)

However, it does not teach the feature related to an extension.

Anderson teaches a file management method comprising:

-- a step wherein the analysis for deciding image process utility is made on the basis of information on an extension indicative of a type of compression format. (column 6, lines 23-35; column 7, lines 4-38)

It is desirable to ease identification of a compressed file. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Anderson's teaching to apply proper extension to indicate the compression type for each region of data in the method of Gentile and Ota because the combination provides better file management and identification. The combination thus teaches the feature:

-- wherein the analysis is made on the basis of information on an extension indicative of a type of compression format.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile in view of Ota as applied to Claim 1, and further in view of Ohta (US patent 6,124,944.)

The combination of Gentile and Ota teaches the parent Claim 1.

However, it does not teach the feature related to color matching using ICC profile information.

Ohta teaches a color processing method comprising:

-- a step wherein the correction processing is color matching using ICC profile information. (column 1, line 57 to column 2, line 3; column 5, line 57-59)

It is desirable to produce further high quality printing output. The objective can be achieved with matching color between an input device and an output device. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Ohta's method to color match the image data generated in the method of Gentile and Ota using ICC profile information because the combination produces high quality printing.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile in view of Ota as applied to Claim 1, and further in view of Acker et al. (US patent 6,009,209.)

The combination of Gentile and Ota teaches the parent Claim 1.

However, it does not teach the feature related to red-eye correction.

Acker teaches an image processing method comprising:

-- a step wherein the correction processing is red-eye correction. (See abstract)

It is desirable to produce further high quality photograph images. The objective can be achieved with red-eye correction. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Acker's teaching to apply red-eye correction to photograph image data generated in the method of Gentile and Ota because the combination produces high quality photograph printing.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen
Primary Examiner
Art Unit 2624

September 30, 2004

